

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7767 of 2017

- Pramod Gurjar S/o Shri Suresh Kumar, Aged About 24 Years, R/o Kakot Police Station Titram, District Kaithal Haryana ., Haryana

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Trikunda, District Balrampur Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicant – Shri Rishi Rahul Soni, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-02-2015 in connection with Crime No.28/2014 registered at P.S. Trikunda, Civil District Sarguja, Revenue District Balrampur, Chhattisgarh for the offence under Section 363, 366A, 343, 370, 34, 376(2-G) of the IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Only role alleged on the part of the applicant is that he married the minor prosecutrix, whereas, the prosecutrix has been examined before the trial Court, in which, she has denied about the marriage and relationship with the applicant. The applicant is in jail since 24-02-2015 and the trial is not yet completed. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that according to the evidence in the investigation, the applicant had kept the minor prosecutrix of age 14 years in

confinement and restrained her and also forced her to have sexual relationship with him. On that basis the offence charged against him are clearly made out. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against the applicant is this, that the prosecutrix went missing, on account of which a report was lodged. On search made by police, the prosecutrix was recovered from custody of this applicant. On the basis of the statement given by the prosecutrix it was revealed that she was abducted by co-accused Reshma Siddiqui, Sagar Siddiqui, Ramjan Ansari and Dilsai and sold to one Vijendra Singh in Haryana. The prosecutrix was subjected to torture and sexual exploitation by Vijendra Singh who is now dead. The prosecutrix made escape from the custody of Vijendra Singh and took shelter in the house of Janak Gurjar where Janak Gurjar and his wife compelled the prosecutrix to marry this applicant. Subsequent to that, the applicant married with minor prosecutrix of age 14 years and exploited her sexually. Hence, this case.

6. Considered on the submissions made and the contents of the case diary. Looking to the facts and circumstances of this case, I am not inclined to grant bail to the applicant. On the other hand, looking to the long detention period and pendency of the trial, a direction can be issued to the trial Court to expedite the trial and conclude it as soon as possible.

7. Resultantly, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby dismissed. The trial Court is directed to expedite the trial and conclude the same preferably within a period of four months from the date of receipt of this order.

Sd/-
(Rajendra Chandra Singh Samant)
Judge